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DEPT FOR EUR/AGS, INR/EU, AND EUR/PPD FOR YVETTE SAINT-ANDRE

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WHITEHOUSE FOR NSC/WEUROPE

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TAGS: [OPRC](#) [KPAO](#) [AU](#)

SUBJECT: AUSTRIAN MEDIA HIGHLIGHTS: April 20, 2007

#### Eurofighter Expert Opinion Remains Under Wraps

1. Defense Minister Norbert Darabos (SPOe) has said he will not publish the assessment on the Austrian Eurofighter purchase by legal expert Koziol at this point. The Minister has also refused to provide the parliamentary investigative committee looking into the deal with a copy of the file, emphasizing he and Koziol had agreed to keep the expert's opinion confidential for the time being. The head of the investigative committee, Greens MP Peter Pilz, has harshly criticized Darabos, accusing him of violating the law by failing in his duty to make all files available to the investigative body. Chancellor Alfred Gusenbauer, however, has defended his Defense Minister.

Like all Austrian media reporting on the Defense Minister's decision not to disclose the findings of legal expert Helmut Koziol, liberal daily Der Standard emphasizes that Darabos with his move has "snubbed" the parliamentary investigative committee looking into the Eurofighter deal. While some MPs have joined in Peter Pilz's criticism of the Defense Minister, Chancellor Alfred Gusenbauer has been backing Darabos. In an interview with the daily he also said that "although it is impossible to say what the realistic outcome is, all options (regarding the Eurofighter) are still on the table," and "nothing can be ruled out," including a cancellation of the deal. The decisive issue, the Chancellor stressed, is the "aim to make the protection of Austria's airspace less expensive and thus save tax money." Like the Standard, centrist daily Die Presse points out that Darabos "is provoking the parliamentary investigative committee," and also suggests the issue could put a further strain on the coalition government, as MP for the Conservatives Maria Fekter had threatened the SPOe Defense Minister with "coercive punishment." Meanwhile, independent provincial daily Salzburger Nachrichten says that the necessary software licenses from the US are expected to be granted in May - in time for the planned delivery of the first jets by early June.

#### Call To "Fix Alien Laws"

2. Constitutional Court President Karl Korinek has urged to have "fixed" Austria's immigration and asylum laws. The existing laws are "simply and obviously lacking in quality," Korinek complained, citing one regulation in particular, which he considers "barely understandable," as it could be "interpreted in completely different ways." Talking to an Austrian daily, the Constitutional Court President argued the time-consuming and drawn-out asylum proceedings are a "problem." In February 2007, 38,381 asylum proceedings were pending in Austria. Like all major Austrian media, independent provincial daily Salzburger Nachrichten reports on the Constitutional Court President's push to make Austrian asylum and immigration laws "more

humane." Interior Minister Guenther Platter from the OeVP has meanwhile responded to Korinek's criticism of existing regulations, and has signaled he is willing to discuss the matter with him. The Social Democrats have also urged to "evaluate" alien laws, the daily notes. In an interview with liberal daily Der Standard, Greens leader Alexander Van de Bellen underscored that "in the face of thousands of hardship cases, the government would have to move forward." He pointed to the fact that currently, more than 14,000 asylum seekers have been waiting over three years for their proceedings to be concluded, and about 4,000 cases have been pending for more than five years. The majority has been "integrated into Austrian society, learned German" and is "sending their children to school here. We need to do something for these people."

#### Bawag under Scrutiny

13. An Austrian reports that the judiciary is looking into the decision by bank Bawag to close all accounts of Cuban nationals. The bank may have violated EU law with its move. According to liberal daily Der Standard, Justice Minister Maria Berger explained that "from a civil and banking rights point of view, there's nothing to be said against," the Bawag's decision to close the accounts of Cuban nationals, "but it may have violated the EU's anti-discrimination laws." It is not clear at this point whether legal proceedings will be launched, tough. Meanwhile, foreign affairs writer for centrist daily Die Presse Josef Urschitz comments: "From a sober point of view, the situation is quite simple: The Helms-Burton Act does not even explicitly forbid banks to entertain customer relations with Cuban citizens, as the example of other US banks on EU territory demonstrates. And even if the act did forbid such relations, the application of US laws on EU territory is definitely not allowed. The ejection of 100 Cubans from the customer ranks of the Bawag, which is still owned by a trade union, has less to do with Helms-Burton than with John Snow. The boss of the soon-to-be Bawag owner Cerberus is known to have Cubans for breakfast and this was allegedly his wish - or at least the Bawag Board, which in this case has shown no backbone at all, thought that this was what he wanted, fulfilling this wish in the manner of a humble servant, albeit rather clumsily. At any rate, for a bank that is still carrying a social democratic whiff, (as Bawag still does), this makes for a disastrous picture."

#### EU Agrees on New Racial Hatred Law

14. Following a six-year fight for the law, incitement to racial hatred has now been made an EU-wide crime, interior ministers have decided, Austrian media say. Semi-official daily Wiener Zeitung reports that the EU's interior ministers have agreed to make incitement to racial hatred an EU-wide crime, but have stopped short of a blanket ban of Holocaust denial. The agreement makes condoning or grossly trivializing genocide an offense - but only if the effect is incitement to violence or hatred. The European Union has struggled for almost six years over proposals for an EU-wide anti-racism regulation, arguing over the distinction between freedom of expression and a desire among EU members to crack down on Holocaust denial and other racist acts. Nordic countries such as Sweden and Denmark favored freedom of expression, while others, including France and Germany, took a tougher stance on punishing racist statements. Speaking at the opening of the meeting before representatives of all 27 EU countries in Luxembourg, Austrian Justice Minister Andrea Berger of the SPÖe said that racism and xenophobia had no place in the EU, the daily notes.

#### Gonzales under Pressure

15. US Attorney General Alberto Gonzales has been taking tough questions from US lawmakers, as a Senate panel is investigating his controversial dismissal of eight federal prosecutors last year. Critics say the prosecutors were sacked for political reasons. Republican Senator Tom Coburn told Gonzales that he should resign over the affair, suggesting the Attorney General should "suffer the consequences that others have suffered." ORF online news, reporting on the issue, quotes Republican Senator Tom Coburn as saying that Gonzales' performance was "proof of

massive incompetence and terrible communication." The best way to "leave this behind us" would be for Gonzales to step down, the Senator added. Similarly, Coburn's Republican colleague Arlen Specter suggested the Attorney General should resign because of his "loss of credibility." The Democrats in particular have accused the Bush administration of having the state prosecutors fired for political reasons, as documents and witness statements indicate the Justice Department had drawn up lists with "political grades" for the prosecutors, although their sackings had been justified with "poor performances." Gonzales has meanwhile dismissed the accusations the dismissal of the prosecutors had been politically motivated, ORF online news says.

#### Reid Says Iraq War "Lost"

16. Senate majority leader, Democrat Harry Reid, has said he told US President George Bush earlier this week that the war in Iraq was lost and the recent troop surge was not accomplishing anything, pointing to the extreme surge of violence in the country this week. Speaking to journalists at a news conference, Reid stressed that the US was in the fifth year of war, and of being an occupying force in Iraq, emphasizing it was time the situation changed. It was "time this changed, he suggested. Republicans, however, have accused Reid of demoralizing US troops in Iraq, ORF radio reports.

#### France Goes To the Polls

17. The main candidates in the French presidential elections have been holding their final campaign rallies ahead of Sunday's vote. Opinion polls suggest that the first round will be won by rightist leader Nicholas Sarkozy and Socialists Sgolhne Royal. The polls also shows, however, that at least one third of voters remain undecided. Austrian media comment that the vote is important not only for France, but also for Europe and Austria. In an analysis of the situation ahead of the presidential vote in France, liberal daily Der Standard writes that Nicholas Sarkozy, candidate for the conservative UMP and the presidential hopeful most likely to succeed, has divided the French. The daily cites a French survey according to which 47 percent of the interviewees consider Sarkozy "disturbing." Left-of-center publications in particular have attacked the UMP's candidate, warning against his "overblown ego," but an increasing number of independent voices have now spoken out in favor of Sarkozy. In any case, the first poll on Sunday will be a vote for or against the controversial candidate, the Standard says, adding that the key problem for France's left-wing voters is the question of who is more likely to prevail against Sarkozy: Sgolhne Royal or Frangois Bayrou.  
McCaw